

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 651

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, ADDING A CHAPTER 2.26 TO THE BURIEN MUNICIPAL CODE RELATING TO ASCERTAINING IMMIGRATION STATUS OR RELIGION AS IT RELATES TO THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS OF THE CITY OF BURIEN

WHEREAS, the City of Burien wishes to foster trust and cooperation between city personnel and law enforcement officials and immigrant communities to heighten crime prevention and public safety; and

WHEREAS, the City of Burien wishes to promote the public health of its residents;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter Created. There is hereby created a Chapter 2.26 of the Burien Municipal Code entitled "Immigration Inquiries Prohibited" which shall read as follows:

Section 2.26.010 Findings. The City of Burien is a code city organized under RCW 35.02 and Article 11 Section 10 of the Washington State Constitution. Under its police powers, the City may exercise any power and perform any function, unless preempted by state or federal law, relating to its government and affairs, including the power to regulate for the protection and rights of its inhabitants. To this end, the City is dedicated to providing all of its residents fair and equal access to services, opportunities and protection.

The enforcement of civil immigration laws have historically been a federal government responsibility through the Immigration and Naturalization Service. Since 2002, matters of immigration law have been handled by the Office of Immigration and Customs Enforcement, a branch of the Department of Homeland Security. Requiring local law enforcement agencies, which are not specifically equipped or trained, to enforce civil immigration laws forces local governments to expend their limited resources to perform traditionally federal functions.

A goal of this legislation is to foster trust and cooperation between city personnel and law enforcement officials and immigrant communities to heighten crime prevention and public safety.

Since 1992, the King County sheriff's office has embraced this goal and outlined supporting policies in its operations manual, with which this ordinance is consistent.

Another goal of this legislation is to promote the public health of City of Burien residents.

On April 22, 2008, King County Superior Court affirmed the principle that our courts must remain open and accessible for all individuals and families to resolve disputes on the merits by adopting a policy that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the superior court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the superior court courthouses, unless the public's safety is at immediate risk. Shortly after the affirmation's adoption, the King County Executive and Immigration and Customs Enforcement agreed to honor this policy.

This ordinance is intended to be consistent with federal laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to United States Code Title 8, Section 1373.

Section 2.26.020 Prohibition on Inquiring into Immigration Status. Except as provided in this section or when otherwise required by law, a City office, department, employee, agency or agent shall not condition the provision of City services on the citizenship or immigration status of any individual.

- A. Nothing in this ordinance shall be construed to prohibit any City of Burien officer or employee from participating in cross-designation or task force activities with federal law enforcement authorities.
- B. The City of Burien personnel shall not request specific documents relating to a person's civil immigration status for the sole purpose of determining whether the individual has violated federal civil immigration laws. The documents include but are not limited to: passports; alien registration cards; or work permits.
- C. The City of Burien personnel may use documents relating to a person's civil immigration status if the documents are offered by the person upon a general, nonspecific request.
- D. The City of Burien personnel shall not initiate any inquiry or enforcement action based solely on a person's:
 - a. civil immigration status;
 - b. race;
 - c. inability to speak English; or
 - d. inability to understand city personnel or its officers .
- E. Except when otherwise required by law, where the City accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate-issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person

had provided a Washington state driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of this ordinance and any subsequent ordinance. This provision does not apply to documentation required to complete a federal 1-9 employment eligibility verification form.

- F. This section does not create or form the basis for liability on the part of the City, its officers, employees or agents.
- G. Unless permitted by this ordinance or otherwise required by state or federal law or international treaty, all applications, questionnaires and interview forms used in relation to the provision of City benefits, opportunities or services shall be promptly reviewed by each agency, and any question requiring disclosure of information related to citizenship or immigration status shall be, in the agency's best judgment, either deleted in its entirety or revised such that the disclosure is no longer required.

Section 2.26.030 Prohibition on Collecting Information Regarding Religious Affiliation.

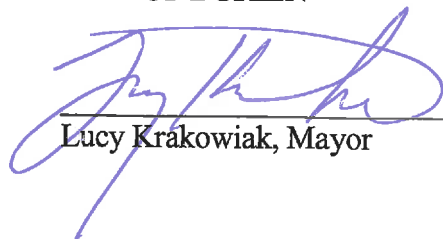
- A. No Burien official, including any agent or contracted agent, may collect information or establish or otherwise utilize a registry, database, or similar for the purpose of classifying any person on the basis of religious affiliation, or conduct any study related to the collection of such information or the establishment or utilization of such a registry, database, or similar.
- B. Rule of construction.—Nothing in this section may be construed as prohibiting the collection of information that is voluntarily provided, including relating to the decennial census.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

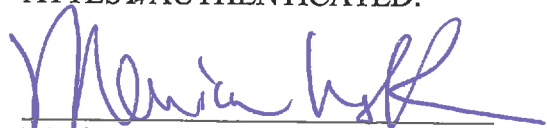
ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 9TH DAY OF JANUARY 2017.

CITY OF BURIEN



Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:



Monica Lusk, City Clerk

Approved as to form:



Lisa Marshall, City Attorney

Filed with the City Clerk: January 9, 2017
Passed by the City Council: January 9, 2017
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Date of Publication: January 13, 2017